



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/637,531	04/25/96	RHOADS	4830-44937/W

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EXAMINER	
CANGIALOSI, S	
ART UNIT	PAPER NUMBER

3642

19

02/18/98

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 11/19/97 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 21-70 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 21-70 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

PTOL

1. The substitute specification has been entered and the prior art of record considered.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 21-~~30~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over commercially Ujiie et al in view of Ackerman and Stefik et al(980).

Ujiie et al((Figs 2, 4 and 7) disclose a photographic paper having an auxiliary binary data signal therein(which data is not "substantially human-imperceptible") substantially as claimed. The differences between the above and the claimed invention are that there is the specific ancillary information being coextensive. Ackerman(See Cols 1, lines 60-66, Col. 3, lines 45-65) show the specific insertion of binary data into the physical properties of the photographic emulsion. In addition Stefik et al(Fig. 15) show the embedding of a mark within a digital work. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ujiie et al as modified by Ackerman and Stefik et al(980) because it is conventional and standard practice to employ ancillary digital control signals in the photographic media and these components

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Art Unit: 3642

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are no more than the conventional equivalents of what is disclosed in the primary items of evidence. The deficiencies of the art with respect to the dependent claims if any deal with the conventional photographic processes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salvatore Cangialosi whose telephone number is (703) 308-1837.

Salvatore Cangialosi
SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222

sac

February 12, 1998